



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter: American Medequip

File: B-259474.2

Date: December 27, 1994

DECISION

American Medequip protests the award of a contract by the Department of Veterans Affairs (VA) under solicitation No. 637-1-95.

We dismiss the protest as untimely because it was filed more than 10 working days after the protester initially received actual or constructive knowledge of adverse agency action on its protest. Specifically, the protester states that it received a facsimile copy of the VA's denial of its agency-level protest dated December 1, 1994 on December 2; the instant protest was filed in our Office on December 19, more than 10 working days later.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Where a protest initially has been filed with a contracting activity, any subsequent protest to our Office, to be considered timely, must be filed within 10 working days of "actual or constructive knowledge of initial adverse agency action." 4 C.F.R. § 21.2(a)(3). The term "filed" under our Bid Protest Regulations means actual "receipt of the protest or other submissions" in our Office. 4 C.F.R. § 21.0(g). The term "adverse agency action" is defined in our Bid Protest Regulations as any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with the agency. 4 C.F.R. § 21.0(f); Consolidated Indus. Skills Corp., B-231669.2, July 15, 1988, 88-2 CPD ¶ 58.

A handwritten signature in cursive script that reads "Ronald Berger".
Ronald Berger
Associate General Counsel